

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
MOBILE DIVISION**

IN RE :
:
ANNITRA RACHEL PRESLEY, : **Case No. 17-00635**
(aka Annitra Rachel Kilpatrick, aka : **Chapter 13**
Annitra Kilpatrick Presley, aka Annitra : **Judge JERRY C. OLDSHUE**
Presley, aka Annitra R. Presley, aka :
Annitra K. Presley) :
DEBTOR. :

**ORDER ON MOTION FOR RELIEF FROM AUTOMATIC STAY AND CO-DEBTOR
STAY FILED BY U.S. BANK TRUST NATIONAL ASSOCIATION, AS TRUSTEE OF
THE IGLOO SERIES III TRUST**

This matter coming before the Court on March 18, 2020 on the Motion for Relief from Automatic Stay and Co-Debtor Stay filed by U.S. Bank Trust National Association, as Trustee of the Igloo Series III Trust (hereinafter "Creditor"), and this Court being informed of the agreement of the parties hereto, it is therefore **ORDERED, ADJUDGED AND DECREED** as follows:

1. The Creditor may file a claim for the post-petition mortgage arrearage through March 2020 plus the attorney fees and costs in connection with Creditor's Motion for Relief from Stay. The arrearage to be put into the plan is as follows:

5 payments @ \$418.71 for 08/19 to 12/19:	\$2,093.55
3 payments @ \$404.50 for 1/2020 to 3/2020:	\$1,213.50
Attorney Fees and Costs for MFR:	\$831.00
Less Suspense Balance:	(\$325.16)
Total:	\$3,812.89
2. The Motion for Relief from Stay and Co-Debtor Stay filed by the Creditor is hereby conditionally denied. However, should the Debtor default under the mortgage agreement between the parties by failing to make payments due on the 1st day of each month within the next **TWENTY-FOUR MONTHS** beginning April 2020 and continuing through March 2022, the Creditor may file with the Court a Notice of Default giving the Debtor twenty (20) days to cure. A copy of the Notice of Default shall also be mailed to the Debtor and Co-Debtor.
3. If the default is not cured within twenty (20) days from the date the notice is issued, then the Creditor may file a Notice of Termination of Stay with the Court and mail a copy to the Debtor and Co-Debtor. Upon filing the Notice of Termination of Stay, the stay shall lift without further Order from the Court. Further, upon lifting of the stays the Creditor is

allowed to communicate with the Debtor as required under the note and mortgage or under state law. Waiver of default shall not constitute waiver of subsequent default.

4. If relief from the automatic stay under 11 U.S.C. § 362 and § 1301 becomes effective, this Creditor is thereafter entitled to enforce any and all of its right, title, interest in and to the subject property under applicable non-bankruptcy law. The filing and service of Notice of Payment Change and/or Notices of Post-Petition Fees, Expenses, and Charges, as described by FRBP 3002.1(b) and FRBP 3002.1(c) are not required once relief from the automatic stay under 11 U.S.C. § 362 is triggered and becomes effective. Upon entry of this Order granting relief from the automatic stay under 11 U.S.C. § 362, the 14-day stay of Rule FRBP 4001(a)(3) is waived.

Dated: March 24, 2020



JERRY C. OLDSHUE, JR.
U.S. BANKRUPTCY JUDGE

This Order was submitted to the Debtor's attorney to review prior to submission to the Court.

This document was prepared by:

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